

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

1. The USC 101 and 112 issues are overcome by the amendment. Thank you.
2. To broadly respond to the applicant's arguments, the claims merely put forth the ability to "filter" messages received/displayed on a portable device based on the user's location. The examiner believes the prior art of record fully teaches these concepts and hence the examiner is not swayed by the applicant's arguments. As seen in the office action, Anderlind teaches conditional displaying of messages but not based on filtering including the geographical display condition. Ratschunas was added to show that filtering can be performed by either the network or mobile.

Ratschunas/Eisinger teach message transmission based on location/position. Lastly Stevens was added to show use of geographical data such that it can be used for displaying purposes.

3. It is the examiner's position that the prior art puts forth teachings that read on the claim limitations.

The "new" limitation (and arguments) regarding receiving the message independent of whether a position of the mobile fulfills the condition is taught (see below). Clearly, this concept can be interpreted as reading on "where" the filtering software is located, eg. if located in the network, then the message may be filtered and not delivered BUT if located on the mobile, then the message will always be delivered (*independent of the display condition*) but may be filtered based on the user's criteria.

Claim 33 is objected to as containing novel material - note that many of the independent claims are much broader than claim 15 and hence amending claim 33 into them will not necessarily place the application in condition for allowance.

5. A Final office action is found below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5, 8-15 and 17-21 and 31** rejected under 35 U.S.C. 103(a) as being unpatentable over Anderlind and further in view of {Ratschunas or Eisinger} (*all prior art cited is from applicant's IDS*) and Stevens.

As per **claims 1, 5, 9 and 13-14, 15, 17-21 and 31**, Anderlind teaches a method for conditional displaying of an electronic message comprising at least one display condition for the message in a “message server” (Abstract, figure 4 and Para's #37 - #57), characterized by the steps of:

receiving the message from an external device (figure 4, S12)

determining the geographical position of the portable electronic device (Para #51)

determining whether the geographical position fulfills a geographical display condition of the message (Para #51); and

displaying the message in the portable electronic device if the at least one display condition is fulfilled (Para #51)

**but is silent on** the portable mobile device performing the functions/filtering and including the geographical display condition AND the message being received in the portable electronic device independent of whether a geographical position of the portable electronic device fulfills the geographical display condition..

Anderlind teaches a “message server” as providing the filtering since he claims that filtering by the mobile will cause battery drain (Para #61):

*[0065] The method and system of the invention facilitates lower power consumption and advanced longevity of battery charges by allocating filtering tasks to the wireless data server, as opposed to the mobile station.*

Hence one skilled understands that Anderlind has considered the filtering to be performed at EITHER the mobile or in the network (See Para #3 which teaches client-station filterin). Furthermore, note that Anderlind provides the ability to filter at the network (Figure 4 teaches filtering and only delivering messages that fit the user's criteria) but one skilled could provide the ability to Turn ON/OFF the filtering to allow the user the responsibility of filtering the messages, hence it is a design choice as to who does the filtering and where it occurs. Similarly, the software routine that filters can be located in the network (as per figure 4) OR located on the mobile device. If in the network, a message may be filtered and therefore not be delivered whereas if located on the mobile, then the message will always be delivered (eg. **independent of the display condition**) and the filtering will be performed within the device/phone (again, a design choice).

Further to this point is **Ratschunas**, who teaches a message filtering design whereby *the message can be filtered at either the network or mobile device - hence if filtering software is located at the mobile, then the message WILL BE RECEIVED by the mobile device **independent** of the display condition, eg. it will be left to the mobile device to filter or display the message, which reads on the claim* (Abstract teaches viewing a message, also see figure 1 showing mobile user and network for receiving/sending text/SMS/etc messages. While Ratschunas focuses on conditional "transmission" of a message, he also states that one can also provide for conditional "reception" of a message, page 5, L18-25 teaches the mobile determining to view/display a message from a particular originator. Also see page 5, L18 to page 6, L32. See page 5, L9-16 teaches location determination which is well known as well as page 5, L18 to page 6 L32 teaches using several different conditions in order to determine if the message should be displayed, eg. is the originator in the device's directory/database or belong to a certain group, willingness to receive a certain type of message, is the user active or inactive, etc..

Note that Ratschunas **or** Eisinger teach message transmission as based on location/position:

a. Ratschunas does teach determining if a message is to be “sent” based on the location of the user (page 2, L22-27 teaches determining if a message should be sent as based on the location of the user):

*“..When sending messages, it is often not always useful to transmit a message to a recipient MS. For example, in case such a message contains tourist information concerning a particular town, it is not useful to send this message to a user, who has left this town”.*

Hence one skilled would also seek to provide this same service as based on receiving a message (eg. if the user is not in that area/town, then don’t display a message if received).

b. Similarly, **Eisinger** teaches a sending unit transmitting a message to users within a certain geographical area/position (Abstract, figure 1, Para #1-17)

It would have been obvious to one skilled in the art at the time of the invention to modify Anderlind, such that the portable mobile device performing the functions/filtering, to provide means for either the network or mobile/client to perform filtering.

***With further regard to claims 5, 15 and 21***, Anderlind teaches filtering a message as based on the location of the user while Ratschunas teaches filtering on various parameters (eg. location, etc) as based on the sending or receiving of a message (which inherently requires an address of a recipient electronic device), which reads on “comprising the step of entering said message, characterized by the steps of entering a at least one display condition comprising a geographical display condition for conditional displaying of the message; appending said display condition to said message; and entering a receiver address to which the message should be sent”. As seen above, if a user addresses/sends a message (per Ratschunas) AFTER a user has left an area/town, then it wouldn’t be delivered. The combination of art also teaches “and entering display conditions set by a transmitting user for conditional display of the message comprising: entering area(s)/location(s) in which the device should be located when the message is displayed; storing the message in the service node until the device is within the entered area and the forwarding the message to the recipient when

in the entered area" since Anderlind teaches conditional message delivery, Ratschnas teaches the mobile processing/filtering messages and Eisinger teaches determining if/when **two** devices are proximate each other to receive a message. Also note that **Anderlind teaches only sending a message if the recipient is within a certain area/location. Also Ratschunas teaches determining if a message is to be "sent" based on the location of the user** (page 2, L22-27 teaches determining if a message should be sent as based on the location of the user):

“..When sending messages, it is often not always useful to transmit a message to a recipient MS. For example, in case such a message contains tourist information concerning a particular town, it is not useful to send this message to a user, who has left this town”.

Hence one skilled would also seek to provide this same service as based on receiving a message (eg. if the user is not in that area/town, then don't display a message if received).

Similarly, Eisinger teaches a sending unit transmitting a message to users within a certain geographical area/position (Abstract, figure 1, Para #1-17).

**With further regard to claims 5, 15, 21 and 31**, Stevens is put forth to teach the appending of the geographical area to the message which allows the recipient to understand a) why they're receiving the message and b) where the area(s) of concern are (eg. nearby, approaching, etc) -- see C4, L50-67:

The emergency warning system 102" generates information describing the emergency situation and information identifying the geographic area 108" that is or can be affected by the emergency situation. The emergency situation information 118" includes details about the emergency and possibly includes safety related instructions the content of which is dependent on the particular type of emergency situation. Again, the current emergency situation can be one of a variety of potentially dangerous situations including, for example, a severe weather condition, hostage situation or hazardous material leak. The severe weather conditions can include a watch or warning issued

for a hurricane, flash flood, tornado, winter storm or thunderstorm. Whereas, the geographic information 120" includes details that describe the geographic area 108" associated with the current or potential emergency situation. These details can be the coordinates or grids on a map which outline the geographical area 108". Or, the details that describe the geographic area 108" can be a list of the counties, townships or cities threatened by the emergency situation.

Also note that Stevens (C4, L17-35) can provide means for the user in input display conditions intended for the recipient (eg. themselves or others) as per at least claim 5. Also note for claim 15 that Stevens can have a message sent/received if/when the user may be located in multiple locations or as based on a specific event.

As per **claim 2**, the combo teaches claim 1/5/13 or 14/19, where the determining whether the geographical position fulfills the geographical display condition comprises determining whether the portable electronic device is located within a geographical area specified by the geographical display condition (Anderlind teaches determining the user's location and/or if the user is near a certain location, Para #51, while Eisinger teaches a sending unit transmitting a message to users within a certain geographical area/position (Abstract, figure 1, Para #1-17)

As per **claims 3, 8, 11**, the combo teaches claim 1 or 2/5/9 or 10/any of 13 to 15/19, where the determining whether the geographical position fulfills the display condition comprises determining whether the portable electronic device is located within a certain distance specified by the geographical display condition from the location of another electronic device, which has transmitted the message (see Eisinger who teaches a sending unit transmitting a message to users within a certain geographical

area/position but not to users outside that certain area with regard to the sending unit (Abstract, figure 1, Para #1-17, specifically Para #16).

As per **claims 4 and 10 and 32 and 34**, the combo teaches to ~~any of the~~ claims 1 to 3/5/9/21, further comprising the step of determining whether a time limit of a time display condition for indicating a final display time of the message has lapsed, wherein the step of displaying is executed if said time limit has not lapsed when the geographical display condition is fulfilled (Anderlind, Para #7 teaches using a TIMER, which can be used to displaying time-window. He also teaches providing time-sensitive data such as Stock or Sports scores which one skilled would provide a timer for as well, see Para #49. One skilled understands that any message that is time sensitive which has its timer expired will be purged).

As per **claim 12**, the combo teaches ~~any the~~ claims 9 to 11, further comprising the step of receiving the geographical <sup>35</sup> position of the electronic communication device being a portable electronic communication device, from said device itself (the prior art all teach determining the location of the mobile which can occur in many different well known manners, to include Triangulation (AOA, TDOA, etc), use of GPS onboard the mobile, etc).

#### ***Allowable Subject Matter***

**Claim 33** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

This claim recites highly detailed designs not found in the prior art of record.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Agosta whose telephone number is (571)272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinsong Hu can be reached on 571-272-3965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen D'Agosta/  
Primary Examiner, Art Unit 2617